

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

February 13, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
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No amendments filed on February 12, 2018

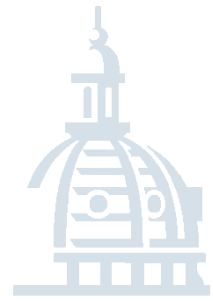
Fiscal Notes

[SF 2179](#) — [Contraband In Prison](#) (LSB5699SV)

[SF 2180](#) — [Marijuana Possession Penalty](#) (LSB1586SZ)

[SF 2222](#) — [Highway Blocking, Intentional, Criminal Penalties](#) (LSB2398SZ)

[SF 2227](#) — [County Resolution Publishing](#) (LSB5969SV)



SF 2179 – Contraband in Prison (LSB5699SV)

Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov

Fiscal Note Version – New

Description

[Senate File 2179](#) relates to the possession of contraband in or on the grounds of a community-based correctional (CBC) facility, and provides penalties. The Bill adds CBC facilities to the facilities and institutions where a person may commit the criminal offense of possessing contraband.

Background

Under current law, contraband is defined to include controlled substances, intoxicating beverages, weapons, explosives, knives or other cutting devices, and items that may be used to facilitate an escape. A person commits a Class C felony if the contraband is a weapon, a Class D felony if the contraband is a controlled substance or intoxicating beverage, and an aggravated misdemeanor if the contraband is an item that may be used to facilitate an escape. A person also commits an aggravated misdemeanor for failing to report a known violation or attempted violation involving contraband to an official or officer at a CBC facility.

The Bill, in part, is in response to the Iowa Supreme Court decision in [State v. Halverson](#), which held that a person illegally possessing a controlled substance at a CBC does not commit the criminal offense of possessing contraband because a CBC facility is not an institution under the control of the Department of Corrections (DOC).

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The minimum cost for each offense shown in **Table 2** includes judicial and probation costs to the State. The maximum cost per offense includes costs to the Judicial Branch, Indigent Defense Fund, and the Department of Corrections.

Impacts

Correctional Impact

In FY 2017, there were 77 convictions of possession of contraband under Iowa Code section [719.7](#). The Bill is estimated to result in an additional 72 convictions annually. **Table 1** shows the estimated increase in prison, jail, CBC facility, and probation/parole admissions. The prison population would also increase by approximately 149 inmates annually by year two of implementation.

Table 1 – SF 2179, Increase in Orders

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Prison Admissions	27	54	54	54	54
Jail Admissions	9	18	18	18	18
CBC Admissions	3	7	7	7	7
Probation/Parole	23	47	47	47	47

Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact

In FY 2017, approximately 16.0% of individuals convicted of Iowa Code section [719.7](#) offenses were African-American. In the second year of enactment, it is estimated there would be 24 more admissions to prison, 3 more admissions to jail, and 15 more admissions to probation of African-Americans. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

[Senate File 2179](#) is estimated to have a fiscal impact of \$555,400 in FY 2019 and \$1.2 million in FY 2020. This estimated impact to the State General Fund includes operating costs incurred by the Judicial Branch, Indigent Defense Fund, and the DOC as shown in **Table 2**. Under this Bill there would be:

- An estimated one additional Class C felony conviction in FY 2019 and FY 2020.
- An estimated 36 additional Class D felony convictions in FY 2019 and 71 additional Class C felony convictions in FY 2020. Of these convictions, 75.0% would be sentenced to prison.

Table 2 – SF 2179, Estimated Costs for Additional Convictions

Offense	Cost Range	Net Additional Convictions		Cost Increase Estimate	
		FY 2019	FY 2020	FY 2019	FY 2020
Class C Felony	\$7,900 - \$12,100	1	1	\$ 10,000	\$ 10,000
Class D Felony	\$9,000 - \$17,200	36	71	545,400	1,221,200
Aggravated Misd	\$3,300 - \$6,600	0	0	0	0
Total		37	72	\$ 555,400	\$ 1,231,200

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch – Office of the State Court Administrator
Officer of the State Public Defender
Board of Parole

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2180 – Marijuana Possession Penalty (LSB1586SZ)
Analyst: Alice Wisner (515.281.6764) alice.wisner@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2180](#) would change the penalty for first offense possession of marijuana under five grams from a serious misdemeanor to a simple misdemeanor.

Background

Current law states that a person convicted of first offense possession of marijuana commits a serious misdemeanor punishable by a fine of no more than \$1,000 and confinement for no more than six months. In FY 2017, there were 3,692 convictions for first offense possession of marijuana.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.
- 50.0% of the 3,692 convictions for first offense possession of marijuana in FY 2017 involved five grams or less.
- 75.0% of the additional simple misdemeanor first offense possession of marijuana convictions involving five grams or less would utilize the services of a public defender.

Impact

Correctional Impact

Simple misdemeanor convictions are punishable by confinement of no more than 30 days, or a fine of at least \$65 but no more than \$625. This Bill would result in an estimated 923 fewer serious misdemeanor convictions in FY 2019. This amount would increase to 1,846 fewer convictions in FY 2020. There would be fewer admissions into jail, prison, and Community-Based Corrections (CBC) residential facilities, as well as fewer placements for probation and parole. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS under those supervisions; and supervision marginal costs per day for convictions of simple and serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Correctional Impact Statement](#), dated January 8, 2018, for information related to the correctional system.

Table 1 – Sentencing Estimates and LOS

	Percent to Prison	Avg LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Serious Misd (Non-Persons)	2.0%	7.3	\$17.52	N/A	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00
Simple Misdemeanor	N/A	N/A	\$17.52	N/A	N/A	N/A	\$4.93	N/A	\$10.56	N/A	N/A	\$50.00

Minority Impact

This Bill would have a positive minority impact to the African American community. In FY 2017, 19.5% of the persons convicted of first offense marijuana possession were African-American. The U.S. Census estimate as of July 1, 2017, states that the Iowa population was 3.7% African-American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 8, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

During FY 2019, it is estimated that there would be 19 fewer admissions to prison, 10 fewer admissions to a CBC residential facility, 434 fewer admissions to jail, and 572 fewer placements on probation status. Those numbers would double in FY 2020 and subsequent years. **Table 2** below shows the estimated cost savings to the General Fund under this Bill.

Table 2 – Estimate of Costs

<u>Offense</u>	<u>Cost Range</u>	<u>Conviction Shift</u>		<u>Cost Increase Estimate</u>	
		<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2020</u>
Serious Misdemeanor	\$250 - \$4,900	-923	-1,846	(\$316,600)	(\$633,200)
Simple Misdemeanor	\$30 - \$330	923	1,846	\$235,400	\$470,700
Net Change		0	0	(\$81,200)	(\$162,500)

Additionally, with considerably fewer jail admissions and shorter LOS, there would be savings to local governments.

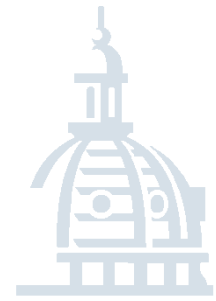
Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning
 Department of Corrections
 Office of the State Court Administrator
 Office of the State Public Defender

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2222 – Highway Blocking, Intentional, Criminal Penalties (LSB2398SZ)
Analyst: Michael Guanci (515.729.7755) michael.guanci@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2222 prohibits a person from intentionally blocking motor vehicle traffic by loitering, placing, or causing to be placed any obstruction on the traveled portion of the right-of-way of a highway with a speed limit of 55 miles per hour or greater. Under this Bill, the person is subject to prosecution by the county attorney in the county the violation occurred. If the county attorney does not initiate prosecution within 30 days, the Attorney General may initiate prosecution of the individual.

Under the proposed legislation, the first violation is a serious misdemeanor, the second offense is an aggravated misdemeanor, and the third or subsequent offense is a Class D felony.

The Bill provides for exceptions for individuals blocking the highway for the purpose of obtaining law enforcement or medical assistance; highway maintenance or construction; or as persons acting within the scope of their federal, State, or local authority.

Background

Under current law, Iowa Code section [318.3](#) addresses the placement of physical obstructions in the highway right-of-way and a person in violation of this Code section commits an aggravated misdemeanor. Between the years of FY 2013 and FY 2017, there have been no convictions under this Code section.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day. Additionally, reliable LOS data for county jails is not available.

Impacts

Correctional Impact

It is unknown if this Bill will have a correctional impact since the Bill creates a new crime for which the penalties are different from similar violations under current law. Therefore, a correctional impact cannot be estimated. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Table 1 shows estimates for sentencing under the proposed legislation to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those

supervisions; and supervision marginal costs per day for offenders convicted of serious or aggravated misdemeanors and Class D felonies.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent Sentenced to State Prison	FY 2017 Avg Length of Stay in Prison (in months)	FY 2017 Prison Marginal Cost per Day	Avg Length of Stay on Parole (in months)	FY 2017 Marginal Cost per Day Parole	Percent Sentenced to Probation	Avg Length of Stay on Probation (in months)	FY 2017 Avg Cost per Day on Probation	Percent sentenced to CBC Residential Facility	FY 2017 Marginal Cost CBC per Day	Percent Sentenced to County Jail	Avg Length of Stay in County Jail (in days)	Marginal Cost per Day
Serious Misdemeanor	2.0%	7.3	\$17.52	N/A	\$4.59	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00
Agg. Misdemeanor	31.0%	6.4	\$17.52	5.7	\$4.93	53.0%	19.5	\$4.93	3.0%	\$10.56	65.0%	N/A	\$50.00
Non-Persons	74.0%	11.3	\$17.52	13.4	\$4.93	64.0%	31.6	\$4.93	11.0%	\$10.56	26.0%	N/A	\$50.00
D Felony Non-Persons													

Minority Impact

It is unknown if this Bill will have a minority impact. [Senate File 2222](#) creates a new crime for which the penalties are different from similar violations under current law. Therefore, a minority impact cannot be estimated. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of [SF 2222](#) cannot be determined, as this Bill creates a new crime for which the penalties are different from similar violations under current law. Therefore, the number of new convictions cannot be estimated. The State's costs for one conviction are as follows:

- Serious misdemeanor — \$250 to \$4,900.
- Aggravated misdemeanor — \$3,300 to \$6,600.
- Class D felony — \$7,900 to \$12,000.

Sources

Department of Human Rights, Division of Criminal and Juvenile Planning
 Department of Corrections
 Office of State Court Administrators
 State Public Defender
 Department of Transportation

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



SF 2227 – County Resolution Publishing (LSB5969SV)
Analyst: Robin Madison (515.281.5270) robin.madison@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2227 authorizes county auditors to publish either a summary or the full text of resolutions adopted by the county boards of supervisors.

Background

Current law requires that the full text of resolutions must be published immediately after the adjournment of the meeting. The county auditor is required to furnish a copy of the proceedings for publication within one week of adjournment of the Board. The Bill specifies that if a summary is published, the full text must be made available for viewing, and the location and hours for viewing the full text must be published with the summary. The Bill also specifies that if a summary is published and if the county maintains a website, the auditor must publish the full text on the county website.

Assumptions

The following table shows the calculation of the current estimated statewide cost for publication of county resolutions and the estimated cost under **SF 2227**.

Estimated Impact of Senate File 2227						
	Average Resolutions per County Annually	Average Lines per Resolution	Cost per Line (Iowa Code section 618.11)	Cost per Resolution	Annual Cost per County	Annual Statewide Cost
Current Law	77	145	\$ 0.40	\$ 58	\$ 4,465	\$ 442,043
SF 2227	77	20	0.40	8	616	60,984
Change	0	-125	\$ 0.00	\$ -50	\$ -3,849	\$ -381,059

Fiscal Impact

Senate File 2227 is estimated to reduce statewide county expenditures for the publication of resolutions by \$381,000.

Source

Iowa State Association of Counties

/s/ Holly M. Lyons

February 12, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.